

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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DAVIS GONZALEZ-MORELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Civ. No. 17-4568 (RBK)

**MEMORANDUM AND ORDER**

Petitioner, Davis Gonzalez-Morell, is proceeding *pro se* with a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. Petitioner states in his § 2255 motion that he is challenging his convictions from the United States District Court for the District of Puerto Rico. (*See* Dkt. No. 1 at p. 2) Indeed, this Court has discovered two federal criminal convictions against petitioner in the District of Puerto Rico, Crim. No. 12-443-02 and Crim. No. 12-912-1. In 12-443-02, petitioner was found guilty of unlawful possession of a firearm by a felon. In 12-912-01, petitioner pled guilty to possessing contraband while in prison. In neither case did petitioner file a § 2255 motion.

In his section 2255 motion, petitioner alludes to a marijuana charge that he claims is hindering him from programs and rehabilitation. It is not altogether clear the genesis of these charges. Nevertheless, as indicated above, petitioner states on page 2 of his petition that he is challenging his convictions from the District of Puerto Rico. Therefore, that is what this Court will use to determine the motion's propriety in this District.

Section 2255(a) states that a § 2255 motion should be filed in the court that imposed the sentence. Given that petitioner brings this action as a § 2255, and that he expressly states in his motion that he is challenging his convictions from the District of Puerto Rico, this Court will

transfer this action to the District of Puerto Rico so that it can decide petitioner's § 2255 motion in the first instance. This Court expresses no opinion on the relative merits of the § 2255 motion. That issue is best left to the District of Puerto Rico to decide as that is where petitioner should have filed this § 2255 action initially.

Accordingly, IT IS this 10<sup>th</sup> day of July, 2017,

ORDERED that the Clerk shall transfer this action to the United States District Court for the District of Puerto Rico; and it is further

ORDERED that the Clerk shall serve this order on petitioner by regular U.S. mail.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge